

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BRYANT HARRIS; individually, and on behalf of others members of the general public similarly situated and on behalf of others aggrieved employees pursuant to the California Private Attorneys General Act,

Plaintiff,

vs.

TVI, INC. D/B/A SAVERS, VALUE VILLAGE & VILLAGE DES VALEURS, an unknown business entity; SAVERS, INC., an unknown business entity; and DOES 1 through 100, inclusive,

Defendants.

CASE NO.: 2:16-cv-02530-SJO (AFMx)

[Assigned for all purposes to the Hon. S. James Otero]

ORDER ON JOINT STIPULATION TO DISMISS THE NON-EXEMPT PUTATIVE CLASS AND TO REMAND THE CASE TO STATE COURT

[Filed concurrently with Joint Stipulation to Dismiss the Non-Exempt Putative Class and to Remand the Case to State Court; Declaration of Edwin Aiwasian]

The Court having considered the Joint Stipulation to Dismiss the Non-Exempt Putative Class and to Remand the Case to State Court (“Stipulation”), entered and agreed to by Plaintiff Bryant Harris (“Plaintiff”) and Defendants TVI, Inc. (erroneously sued as TVI, Inc. dba Savers, Value Village & Village des Valeurs) and Savers, LLC (erroneously sued as Savers, Inc.) (collectively, “Defendants”) (collectively with Plaintiff, the “Parties”), and good cause appearing therefor, hereby orders as follows:

1. The Stipulation is approved;

1 2. All of the claims Plaintiff has brought on behalf of Defendants' non-exempt
2 employees in California since March 1, 2012 (the "Non-Exempt Putative Class"),
3 including the first eleven causes of action in his Complaint, are hereby dismissed without
4 prejudice;

5 3. Defendants' Motion to Dismiss the Complaint and to Strike the Class
6 Allegations is taken off calendar and withdrawn;

7 4. The above-captioned action is remanded to the Superior Court of the State of
8 California, County of Los Angeles ("Los Angeles Superior Court");

9 5. Within fourteen (14) days of this Order, Plaintiff shall file in Los Angeles
10 Superior Court an amended complaint that no longer contains any claims brought on
11 behalf of the Non-Exempt Putative Class and specifically excludes, without limitation,
12 the first eleven causes of action in the current operative Complaint;

13 6. Defendants have no further obligation to respond to the current operative
14 Complaint in any way, but Defendants shall respond to Plaintiff's amended complaint in
15 accordance with the California Code of Civil Procedure after the amended complaint is
16 filed and served; and

17 7. After the case is remanded and discovery is underway, Defendants will
18 agree to provide the names and contact information, subject to a privacy notice and opt-
19 out process to be negotiated by the Parties pursuant to *Belaire-West v. Superior Court*,
20 149 Cal. App. 4th 554 (2007), for all of Defendants' exempt employees in California
21 who, at any time since March 1, 2012, have held any of the exempt positions also held by
22 Plaintiff.

23 IT IS SO ORDERED.

24
25 Dated: May 16, 2016_____



Hon. S. James Otero
United States District Judge